IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.940 OF 2007
IN
FIRST APPEAL NO.624 OF 2004.

M/s. Empire Industries Ltd ..Applicants

versus

M/s. National Spring Works ..Respondent.

Mr.Rajiv Narula with S.M.Khaire for the Applicant

Mr.P.V.Tikare holding for Z.S.Irani for the respondent.

Coram : S.R.Sathe, J.
Dated : 12th March, 2007

P.C.

1. Heard both the learned Advocates.

2. Admitedly, during the pendency of the present application the judgment debtor has deposited the amount of Rs.1,26,952/- with the Shreiff of Mumbai as decreetal amount in execution proceeding No.955 of 2006. The learned Advocate for the present applicant (Original judgment debtor) submits that they have no objection if the said amount is withdrawn by the decree holder. However, in order to protect their interest the decree holder be allowed to withdraw the amount subject to furnishing the security to the satisfaction of the Sheriff of Mumbai.

3. The learned Advocate for the respondent (Original decree holders) submits that necessary order be passed.

4. As the Appeal No.624 of 2004 is already submitted and this Court (Coram: A.S.Oka, J.) by order dated 20.2.2007 has directed that for a period of four weeks from the said date, the original plaintiff will not be permitted to withdraw the amount deposited with the Sheriff, I think it is desirable that the decree holder be allowed to withdraw the decreetal amount deposited with the Sheriff of Mumbai i.e. Rs.1,26,952/- on the decree holder furnishing security to the extent of 50% of the decreetal amount, to the satisfaction of the Sheriff of Mumbai.

. Civil Application disposed of in above terms.

(S.R.Sathe, J.)